

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE AND PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
2003946-0088 (VD1207/US)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
NOT YET ASSIGNED

107500424

INTERNATIONAL APPLICATION NO.  
PCT/US02/40744INTERNATIONAL FILING DATE  
18 December 2002PRIORITY DATE CLAIMED  
28 December 2001TITLE OF INVENTION  
LUMINACIN ANALOGS AND USES THEREOFAPPLICANT(S) FOR DO/EO/US  
FANG, et al.

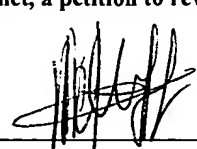
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau)  
**Publication WO 03/057685 A1 (89 pp)**
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. (**6 pp.**)
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment. (**4 pp.**)
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - ☒ Appendix A – PCT Article 34 Amendment (**30 pp.**)
  - ☒ Appendix B – International Preliminary Examination Report (**16 pp.**)
  - ☒ Appendix C – International Search Report (**4 pp.**)
  - ☒ Cited art (11 references) with English Translation of Abstracts
  - ☒ Form PTO – 1449 (**1 pg.**)
  - ☒ Return Postcard
  - ☒ Certificate of Express Mailing (**1 pg.**)

Express Mail No. EV 314105083 US  
3714937\_1.DOCAtty. Docket No.: 2003946-0088  
Client Ref.: VD 1207/US  
Customer No.: 24280

|   |              |   |               |  |    |
|---|--------------|---|---------------|--|----|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.53)<br><b>NOT YET ASSIGNED</b>   |              | INTERNATIONAL APPLICATION NO.<br>PCT/US02/40744 |               | ATTORNEY'S DOCKET NUMBER<br>2003946-0088 (VD1207/US)   |    |
| 21. <input checked="" type="checkbox"/> Other items or information:<br><b>BASIC NATIONAL FEE (37 CFR 1.492 (A) (1) - (5)):</b><br><br>Neither international examination fee (37 CFR 1.482)<br>nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO<br>and International Search Report not prepared by the EPO or JPO ..... \$1080.00<br><br>International preliminary examination fee (37 CFR 1.482) not paid to<br>USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00<br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO<br>but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00<br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00<br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00<br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |   |               | <b>CALCULATIONS PTO USE ONLY</b>   |    |
|   |              |   |               | \$ 920.00  |    |
|   |              |   |               | \$   |    |
|   |              |   |               | \$   |    |
|   |              |   |               | \$   |    |
| CLAIMS  | NUMBER FILED | NUMBER<br>EXTRA                                 | RATE          |  |    |
| Total claims  | 265 - 20 =   | 245   | 245 x \$18.00 | \$4,410.00   |    |
| Independent claims  | 3 - 3 =      | 0   | 0 x \$86.00   | \$ 0.00  |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$290.00    | \$ 290.00  |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |               | \$5,620.00   |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |   |               | \$   |    |
| <b>SUBTOTAL =</b>   |              |   |               | \$5,620.00   |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).  |              |   |               | \$   |    |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |               | \$5,620.00   |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +  |              |   |               | \$   |    |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |               | \$5,620.00   |    |
|   |              |   |               | <b>Amount to be refunded:</b>  | \$ |
|   |              |   |               | <b>charged:</b>  | \$ |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ 5,620.00 to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. 03-1721 in the amount of \$            to cover the above fees.<br>A supplicate copy of this sheet is enclosed<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1721. <b>A duplicate of this sheet is enclosed.</b><br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.   |              |   |               |  |    |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b>  |              |   |               |  |    |
| <b>SEND ALL CORRESPONDENCE TO:</b><br><br>Patent Group<br>Choate, Hall & Stewart<br>Exchange Place<br>53 State Street<br>Boston, Massachusetts 02109  |              |   |               |  |    |
|   |              |   |               | <br>SIGNATURE<br><u>Nadege M. Lagneau, Ph.D.</u><br>NAME<br><u>51.908</u><br>REGISTRATION NUMBER |    |

10/500424

DT04 Rec'd PCT/PTO 28 JUN 2004

**ATTORNEY DOCKET No.: 2003946-0088 (VD1207/US)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fang *et al.* Examiner: NYA.  
Serial No: NYA Group Art Unit: NYA  
Filing Date: June 28, 2004  
Corresp. to: PCT/US02/40744  
Int. Filing Date: December 18, 2002  
Priority: December 28, 2001  
Title: LUMINACIN ANALOGS AND USES THEREOF

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Express Mailing**

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as Express Mail, in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date of June 28, 2004.



Kathy Hart Gagnon

Express Mail No.: EV 314105083 US